

AUSA Noah Litton

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN THE MATTER OF THE CRIMINAL
COMPLAINT OF:**

**DANIEL GOMEZ-LOPEZ
aka Gomez-Hernandez, Alejandro
aka Lopez Lopez, Emilio**

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Case No. 2:23-mj-637

**AFFIDAVIT OF SUHA D. PENG IN
SUPPORT OF CRIMINAL COMPLAINT**

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer Suha D. Peng, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than fourteen years of combined experience as a Deportation Officer with the United States Immigration and Customs Enforcement (ICE) and a Border Patrol Agent with United States Customs and Border Protection. I am assigned to the Columbus, Ohio ICE Office of Enforcement and Removal Operations. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the United States Border Patrol Academy at the Federal Law Enforcement Training Center (FLETC) at Artesia, New Mexico.
2. During the course of investigating Daniel GOMEZ-Lopez, I have learned the following facts:
3. Daniel GOMEZ-Lopez is a citizen of Mexico and not a citizen of the United States.
4. On or about November 18, 2012, the U.S. Customs and Border Protection arrested GOMEZ-Lopez at the DeConcini Port of Entry at Nogales, Arizona. GOMEZ-Lopez was issued Alien Registration Number 205 409 701 and charged administratively as an alien inadmissible to the United States under Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act. On November 19, 2012, an official designated by the Secretary of Homeland Security ordered GOMEZ-Lopez Expeditiously Removed to Mexico. On that day, GOMEZ-Lopez was physically removed from the United States via the Nogales, Arizona Port of Entry. On that same date, GOMEZ-Lopez surrendered his fingerprint and photo for Immigration Form I-296 (Notice to Alien Ordered Removed/Departure Verification) and signed the same. GOMEZ-Lopez's departure was witnessed by an immigration officer who documented the departure by way of signature on Immigration Form I-296.


5. On or around January 2, 2013, the U.S. Border Patrol arrested GOMEZ-Lopez near Silverbells, Arizona, and reinstated his prior order of removal. On January 7, 2013, GOMEZ-Lopez was physically removed from the United States via the Del Rio International Bridge Port of Entry in Del Rio, Texas. On that day GOMEZ-Lopez surrendered his fingerprint and photo for Immigration Form I-205 (Warrant of Removal/Deportation) and signed the same. GOMEZ-Lopez's departure was witnessed by an immigration officer who documented the departure by way of signature on Immigration Form I-205.
6. On or about June 16, 2013, the U.S. Border Patrol arrested GOMEZ-Lopez near Gila Bend, Arizona, and reinstated his prior order of removal. On June 18, 2013, GOMEZ-Lopez was physically removed from the United States via the Calexico, California Port of Entry. On that day GOMEZ-Lopez surrendered his fingerprint and photo for Immigration Form I-205 and signed the same. GOMEZ-Lopez's departure was witnessed by an immigration officer who documented the departure by way of signature on Immigration Form I-205.
7. On or about January 10, 2014, the U.S. Border Patrol arrested GOMEZ-Lopez near Sasabe, Arizona, and reinstated his prior order of removal. GOMEZ-Lopez was charged with Conspiracy to Possess with Intent to Distribute (in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C)) and Simple Possession of Marijuana (in violation of 21 U.S.C. § 844(a)). On or about January 21, 2014, the United States District Court for the District of Arizona convicted GOMEZ-Lopez of Simple Possession of Marijuana and sentenced him to one hundred eighty days in prison and a special assessment (Case Number 14-01429-001M-(BGM)). On or about July 15, 2014, GOMEZ-Lopez was physically removed from the United States via the El Paso, Texas Port of Entry. On that day GOMEZ-Lopez surrendered his fingerprint and photo for Immigration Form I-205 and signed the same. GOMEZ-Lopez's departure was witnessed by an immigration officer who documented the departure by way of signature on Immigration Form I-205.
8. On or about August 1, 2014, the U.S. Border Patrol arrested GOMEZ-Lopez near Red Rock, Arizona, and reinstated his prior order of removal. GOMEZ-Lopez was charged with Conspiracy to Possess with Intent to Distribute (in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C)) and Simple Possession of Marijuana (in violation of 21 U.S.C. § 844(a)). On August 11, 2014, the United States District Court for the District of Arizona convicted GOMEZ-Lopez of Simple Possession of Marijuana and sentenced him to three hundred sixty days in prison and a special assessment (Case No. 14-07375-003M-(DTF)). On or about July 27, 2015, GOMEZ-Lopez was physically removed from the United States via the San Ysidro, California Port of Entry. On that day GOMEZ-Lopez surrendered his fingerprint and photo for Immigration Form I-205 and signed the same. GOMEZ-Lopez's departure was witnessed by an immigration officer who documented the departure by way of signature on Immigration Form I-205.

9. On or about September 16, 2023, the Whitehall (Ohio) Police Department arrested GOMEZ-Lopez (under the alias Emilio Lopez Lopez) for Obstructing Official Business and Disorderly Conduct-Intoxicated Create Risk of Harm. GOMEZ-Lopez was booked into the Franklin County Jail and his fingerprints and photo were collected and submitted to the National Crime Information Center criminal records database. GOMEZ-Lopez was issued a summons for his arraignment in the Franklin County Municipal Court and released. On September 20, 2023, the Franklin County Municipal Court dismissed the charges.
10. On September 22, 2023, the Franklin County Sheriff's Office provided your affiant with GOMEZ-Lopez's fingerprints and photograph. On September 25, 2023, GOMEZ-Lopez's fingerprints were entered in the Next Generation Identification system (NGI/IDENT) pursuant to ICE administrative procedures. This system compares fingerprints electronically to determine if an individual has an existing ICE record, arrest record, and/or FBI number. The result of the NGI/IDENT query confirmed that the person previously arrested by Whitehall PD on September 16, 2023, was Daniel GOMEZ-Lopez, a Mexican national who had been previously assigned FBI Number 186855TD1, and who has been previously formally deported or removed from the United States on five prior occasions under immigration service file 205 409 701.
11. Biometric and records checks confirmed that GOMEZ-Lopez has not requested, applied to, or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being deported, excluded, or removed.
12. GOMEZ-Lopez is currently at large.
13. I submit that these facts establish probable cause that GOMEZ-Lopez has committed a violation of 8 U.S.C. § 1326(a), being an alien who: (1) has been denied admission, excluded, deported, or removed, or has departed the United States while an order of exclusion, deportation or removal is outstanding; (2) thereafter entered, attempted to enter, or at any time was found in the United States; and (3) did not have consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States prior to either his re-embarkation at a place outside the United States or his application for admission from a foreign contiguous territory.

**SUHA D
PENG** Digitally signed by
SUHA D PENG
Date: 2023.11.13
10:06:31 -05'00'

Suha D. Peng
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 13th day of November 2023.


Elizabeth A. Preston Deavers
United States Magistrate Judge

